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IN APRIL OF 1822

DECISIONS OF CHIEF JUSTICES

RELATIVE TO THE CHARTER OF SAID CHURCH, INCLUDING LETTERS FROM

HON. J. R. INGERSOL & THOS. KITTEKA, ESQ.

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THE NARRATIVE.

There may be a few persons in this city or elsewhere, having an indistinct recollection of the events connected with St. Mary's Roman Catholic Church, situated in Fourth Street above Spruce. There are thousands of others however, who know nothing about them, and for their edification the following narrative has been compiled. The author would in this place, say that he is indebted more to tradition than any thing else for some of the events connected with the riot. The newspapers of those days, unlike those of the present day, seem to have considered a full, faithful, and graphic account of the riot, as not being news; this is the most charitable construction that the author can put upon such an important point. In this little pamphlet, he has endeavoured to wield an impartial pen, so that the Catholic as well as the Protestant may gain some information.

William Hogan for some time prior to the year 1821, was a priest in the Diocese of New York, and at a certain time his business called him to the city of Baltimore.

Accordingly he arrived in this city *enroute* to the monumental city, and was invited by a number of the congregation worshipping in St. Mary's Church, to deliver a sermon unto them, during his short sojourn here. He promptly accepted the invitation, and preached to the congregation on the ensuing Sabbath, making a very favourable impression upon the minds of his hearers. He was prepossessing in his appearance, and therefore found favour in the eyes of the ladies. He, however, continued his journey to Baltimore. and on his return to New York, he was invited to become the pastor of the church of St. Mary's. Sometime elapsed before he came to a definite conclusion on this point, and having obtained an honourable discharge from the New York Diocese, entered upon his clerical duties in this city. His talents were not of the highest order, yet he had a very large share of a commodity that is somewhat scarce now-a-days, *common sense*. Being honest in his intentions, and argumentative in his speeches and debates, he determined at the risk of his reputation as a good Catholic, to induce a reform in the church. Among the most prominent points of the reformation, was to establish the Sunday School system, and to introduce the *Bible into the Schools* for the benefit of the scholars. This was hailed with pleasure by the parents of those children—a new era seemed to dawn upon the religion; light and intelligence seemed about to spread their rays over the offspring of Roman Catholics, and place them on a par with their Protestant brethren.

Harmony reigned in their midst, and happiness, under the smile of approving Heaven, shed its influence upon them. These auspices, these glorious moments were unfortunately destined to be of short duration. The crafty Conwell subsequently became Bishop of the Diocese of Philadelphia, and regarded all the judicious movements of Priest Hogan as innovations in the rights of the Roman Catholic religion, and this too ere he had been in power a fortnight. Thus contention arose in the very heart of the assembly, humanity looked on with weeping eyes, and religion bled at every pore. The church which was highly respectable now became miserably distracted.

Pride and passion always beget error ; and it is certainly to be regretted by all well disposed persons, that, in these church difficulties, not only Catholic, but of all denominations, we do not always find the meekness and charity, forgiveness and humility, and bearing each others infirmities, which is enjoined upon us by the same Divine author of our existence and religion. That which begins in conscience and sincerity as the contest wages warm, as it did in the present case, becomes one of spirit, passion, and pride.

The cause of this outbreak was a little spark of contention, which one drop of water would have extinguished, a breath of kindness would have blown out, or had it been left alone it would have gone out itself: but through indiscretion if not passion, it was fanned into a terrible and fierce flame by an immediate and vigorous exercise of power on one side, and proud defiance on the other. Thus the Bishop and his congregation, were at daggers points; the most influential of the church members, rallied to the support of Mr. Hogan, and seemed to bid the utmost defiance to the head of the Diocese. At last Mr. Hogan was removed from the church without a summons, he was condemned without a hearing, and excommunicated by Bishop Conwell.

The friends of Mr. Hogan complained of this as a bitter act of tyranny and oppression, and most decidedly against the canons of the church, in which, we opine, so far as the latter is concerned, they were mistaken. This in fact, however, was the fountain from which the bitter waters emanated, and the sympathy for Mr. Hogan manifested by his friends, counterbalanced all the oppression which was heaped upon him by his enemies. A large and respectable number of his flock clung to him in his difficulties, and this alone furnishes strong evidence, of his value as a pastor and an honest man.

In this place it may be proper to remark that the members of a Roman Catholic Church, in the U. States may starve out their Priests, though they have no power to remove them. That belongs altogether to the Bishop. For here we have no benefices—no Church establishments of the States—no tithes—seignories or domains assigned to the support of the clergy ; the people here hold the purse, and can if they choose effectually check all oppressive exercises of the legitimate power of the Church, and render fruitless all attempts to infringe upon civil rights.

The Bishop and his friends did every thing in their power to destroy the character of Mr. Hogan, both official and private. He was charged with having offered indignities to some of the female members of his congregation. He was charged with seducing one, and brought before a judicial tribune to answer the charge of fornication and bastardy.

This trial lasted about ten days, and after a lengthy argument by the counsel he was honorably acquitted. He was arrested on a number of warrants, being separately charged with having disturbed the congregation worshipping at St. Mary's Church, but we believe that he was not convicted in one instance, thus proving that he was the victim of persecution intolerance and outrage.

In April 1821, however, he was proclaimed pastor of the Church, by the Trustees, having been re-elected by a majority of the members. The minority with the Bishop at their head protested against the election, and appealed to a civil tribunal for redress, but did not obtain it. A meeting was subsequently held by the Trustees of the Church, excepting the Rev. Mr. Cummiskey (who so far as we have been enabled to ascertain was excluded from the room,) at which they passed a resolution favourable to altering the charter, so that the

members might elect their pastor as other religious assemblies in the United States.

They appealed to the supreme court and able decisions were given by chief Justice Tilghman—Gibson and Duncan.

The application for the amendments to the charter was made under the corporate seal of the Church, and supported by a majority of the members of the Church.

It was opposed by the pastors, and a number of members on the ground that it was not made by the members of the Church, nor the corporation and that one of the proposed amendments was unlawful, because it disfranchised the pastors of the Church, an integral and distinct part of the corporation.

On this point Justice Duncan decided that the proposed amendments were unlawful on the ground, that there was no act of assembly warranting the exercise of such power as to alter the charter of any corporation.

Chief Justice Tilghman also decided the proposition to be unlawful on the ground, that the resolutions to alter the charter passed during the absence of Rev. Mr. Cumiskey, and was therefore unlawful, and from all the evidence from the rules of the Roman Catholic Church, the lay members could not elect or remove a pastor. We copy the concluding part of the decision, *verbatim*, because it contains a few hints from which a salutary lesson might be learned. The Chief Justice says :

In conclusion. "As my opinion in matter of law submitted to court, is in favor of the pastors of this Church, these Rev. gentlemen may perhaps not thank me for going out of my way, when I offer a few words for their consideration. It is scarcely possible that the Roman Catholics of the United States of America, should not imbibe some of that Spirit of religious freedom, which is diffused throughout the country. If those who govern that Church exercise their power with great moderation, if they are not too forward in assuming the direction of temporal affairs, if they consult the reasonable desires of the laity, both in the appointment, and removal of pastors in all human probability, they may long retain their dominion. But if things are carried on with a high hand—if trusting to the authority of the Church, they disregard the wishes of their congregation it is easy to foresee how the matter will end. That Church possesses neither property nor temporal power in this country. The laity have both. In a struggle therefore between the two orders, the issue cannot be doubtful. The learned Judge decided that the court ought not to certify that the proposed amendments "are lawful."

Chief Justice Gibson unlike his colleagues decided that amendments proposed were lawful, and had they been adopted at a full meeting of the trustees, the court would have no objection to grant the usual certificate. We also take the liberty to copy the concluding remarks of the judge in his decision, inasmuch as they somewhat differ from Mr. Tilghman's, and convey useful instruction to the Protestant as well as the Roman Catholic.

"What was the object of granting this charter? merely that the congregation as it is said in the act, might "manage the temporalities of their church, as other religious societies in this State have been enabled to do." Surely an indefeasible right of office in a particular class of the corporators was unnecessary for that purpose. But who are those corporators? The pastors for the time, being duly appointed, and not exceeding the number of three. Now as St. Mary's is the Cathedral church of the Diocese, the Bishop is necessarily one, and he

has besides the nomination of the other two who hold their offices by no other tenure than his pleasure. He has then in effect three votes out of eleven in the lay affairs of the congregation. This is no theoretic inference; we are told by a very respectable clergyman, who was called by those who offered the amendments that "*they are all bound to follow him, he is their leader.*" But the Bishop himself holds his office on the same terms of *unconditional submission to the Papal see*. He at least derives his authority from that source. Here then is a *foreign jurisdiction*; in its nature *political* as well as *ecclesiastical*, holding and *exercising the power* of appointing to offices created by the government of Pennsylvania, for purposes entirely *civil* and *domestic*. Now can it be said that the Legislature has so far divested itself of power over this subject as to be unable to resume the right of appointment and place it elsewhere?

Far be it from me to counsel the Catholics of this country to shake off their spiritual allegiance to the Pope: that is their concern, not mine, but I do protest against a right of appointment to a civil office, incautiously granted to a foreign potentate, being considered irrecoverable by the government of our own country. With me it is no consideration that the Catholic Bishop is elected by the Catholic Clergy here or elsewhere, both he and they acknowledge the supremacy of the Holy See as the source from which they derive all their authority, and as the power to which alone they are responsible. It is enough for me that our citizens here whose interests are involved in the government of the corporation have no voice either in nominating or rejecting the pastors, who are introduced into that church.

In conclusion, the Chief Justice remarks, "I am therefore of opinion that the amendments proposed are lawful, and that if they had been adopted at a meeting at which all the trustees were either present, or had an opportunity to be so We ought to grant the usual certificate. I have not enquired into the regularity of the meeting in other respects as no objection on that score has been urged, my objection rests exclusively on the illegal expulsion of Mr. Cumiskey."

These decisions were made in the month of January 1822, and just at this time the Catholic denomination assumed a singular aspect. Notwithstanding the strife in the church of St. Mary, upon which the Protestants looked with anxiety, the news spread around the city that the Catholics had purchased the spacious lot on Broad Street between Walnut and Chestnut Street, known at that time as Vauxhall garden, for the purpose of converting it into a monastery for the reception of Monks and Nuns. The Protestants, are proverbial for their opposition to such institutions, and hence the alarm which seemed to reign among them for a short period. We believe, however, that the Board of Trustees of the Catholic church did not make the purchase, the price asked being more than they were willing to give. This, however, was soon buried beneath the letherian waters of oblivion, and the general pulse beat high with the expectation of a general flare-up in the month of April 1822. Nor were the people disappointed.

For rumour was busy with her thousand tongues, relative to the progress of future events between the contending parties, both claiming equal privileges at St. Mary's church. At length the 8th day of April, 1822, arrived, when an election for trustees for said church was to be held. From the bitterness and violence which had marked the course of the contending parties, the public mind was somewhat prepared for the scandalous and hideous scenes which were enacted on this memorable day. A large number of persons armed with clubs

said to have been consecrated by the Bishop, and designated by strips of white and green ribbon, in the lappel of their coats, took possession of the church early on the morning of April 8th, with a full determination to resist, what they considered the encroachments of the friends of **PREST HOGAN**.

This intelligence spread from the centre to the circumference of the city like wild-fire, and men, women, and children apparently of all ages, repaired to the scene, and soon blockaded, Fourth Street from Spruce to Prune, and all other avenues in the neighbourhood, so that it was almost impossible for any one to elbow their way through the throng. The party that had taken the possession of the church had placed additional fastenings on the gate leading to the church in order for the better maintenance of what they conceived to be right under the circumstances, namely, to keep illegal voters out, so that the election could be conducted properly, and terminate in a lawful manner.

A large majority of the crowd nearest the Church were Catholics, and as they stood in front of the edifice, it was easily to be seen by their countenances that a storm was brewing—soon, like the summer thunder cloud, to spend its fury and wrath upon any and every thing that happened to be in its way. Nor were the people kept long in a state of suspense; for at nine o'clock the iron railing in front of the church gave way, whether by the accidental pressure of the crowd or by design we are not prepared to say, and a scene now followed which almost beggars description.

The persons from the outside of the church now began to rush in with fury and desperation in their faces, when a conflict ensued in which the clubs or "Bishop sticks" were freely used, and paving stones and brickbats flew in all directions as thick as hail, cutting and doing serious injury to the devoted heads of the belligerents. Here might be seen one man with the blood streaming from his freshly made wounds, running in vain to seek out a hiding place—and there a woman urging the men on, and furnishing them with the necessary knockdown arguments to carry out their own ends. Here a child running about in a frantic manner, its face and clothing stained with the blood of those already fallen, crying in vain for its parents, while mothers with infants at their breasts were seen running over the graves of those, who had long been gathered to their Fathers. The church of course being stripped of its sanctity, and turned into a fortress, and the hitherto consecrated church yard now being desecrated and trampled upon by the rioters, are melancholy and solemn facts, in terrible contrast with that religion, which it is said sheds light and glory in the ecclesiastical world, even as the regal sun does it in the solar system, thereby animating every thing with its beams; and leading the mind of man to reflect upon the glorious Creator and Redeemer of the world.

The riot continued for the space of three hours, when the police under the command of that efficient mayor Robert Wharton, arrived, and disarmed the men and women engaged in this fearful and disgraceful conflict, who had possession of the church yard; when the latter to escape being arrested, fled in all directions with the utmost precipitation over the graves and the tomb stones—now falling and again rising, until at last they reached the wall on Fifth Street.

The women who were so much engrossed with passing events, that their lack of modesty evinced by them as they endeavoured to scale the wall was certainly excusable, and no one, unless he is by nature a novel compound of extremes, would charge them in this particular as being criminal. However, be this as it may, the men and women, while getting over the wall of the church yard, were met with volley after volley of brick bats, thrown by the crowd on Fifth Street, and fell back from their elevation, into the yard with lacerated heads, blackened eyes, and while the poor creatures were writhing in their own gore and in agony, they called aloud on their Maker and St. Peter to visit their assailants with just condemnation or retribution. The whole neighbourhood now resounded with the shouts and yells of the victors, and formed a melancholy contrast with the groans of the wounded and cries of the dispirited. The Protestants looked on with indignation and alarm. They knew that it was only a characteristic quarrel among the congenial spirits of one brotherhood and therefore did not interfere directly in the appalling and ignominious conflict. During the progress of the riot, a French Catholic who had with others proceeded to the Church for the purpose of expostulating with the contending parties, and to restore peace among them, was beset by a number of the Bishopites. He fled and endeavoured to hide himself between two graves. He was however, pursued and dragged forth from his place of concealment, and beat with the Bishop sticks in the most outrageous, cruel, and savage manner. The blood flowed freely from his mouth and nose, and his face was so scarred, that for many years subsequent, he carried this inglorious impression of religious intolerance and persecution. But some of those engaged in the attack upon the poor fellow quickly met with the punishment they so richly deserved. While he was being carried from the ground to an apothecary shop at the corner of Fourth and Pine Street, his shocking condition stimulated his Irish friends to renew the battle with increased vigour, and many well-directed blows fell heavily upon the heads of some forty or fifty of the opponents. Tomb stones were bespotted with, and earth absorbed the purple tide of life, The consecrated grave was saturated with human gore, and its sacredness for the time being was sunk into oblivion by an unrighteous faction endeavouring to sustain a religion at the point of the sword. These take the sword to sustain their own peculiar religious views, and the language of a holy one, who, at the head of the Christian religion, said in the way of rebuke, those who take the sword shall perish by the sword, seems to have been entirely forgotten on the 8th of April 1822.

The author of this brief pamphlet, has endeavoured to gather all facts connected with the riot, and he is mainly indebted to the news papers of those days and gentlemen for such as are herewith presented. Although he has attempted to give a description even at this late day of the disgraceful scene, he can assure the reader that, there has been no stretch of the imagination exercised, Lest, however, there be some among us who might feel disposed to raise frivolous objections to this narrative the compiler has deemed it necessary and proper to lay before his readers the two following documents signed by a number of gentlemen, one emanating from the Hoganites and the other from the Bishop-

ites. They will be found to contain some facts, which, being official will of course have more weight, than if written from mere verbal authority.

(From the Philadelphia Newspapers of the time.)

TO THE PUBLIC.

As the unfortunate dissenters in St. Mary's Church had created an unusual ferment among the members of the congregation, and it was publicly reported that the ensuing election would be attended with much confusion, and in all probability blood-shed. The trustees of that church, as far back as the 5th of March, requested their counsel, Mr. J. R. Ingersol, to address a letter to that of the Bishop, purposing an arrangement for the conduction of the election, as will appear by the letter No. 1. A considerable time elapsed without an answer being returned. On the 22d of the same month, Wm. Kittera's letter No. 2 was received—the efforts made to preserve peace will fully appear by subsequent occurrences.

On Friday the 8th of April, the Trustees of St. Mary's Church received an order from Bishop Conwell, for a meeting of the Board. The members were accordingly convened and met on Saturday the 6th. The Bishop himself did not appear, but the Rev. Messrs. Cooper and Cummisky were present. A resolution was passed and agreed to by all the members—empowering the lay Trustees to conduct the election and that the expenses should be paid by the corporation. To prevent the scenes of riot and confusion, which public rumor had announced would inevitably take place, and it was well known that persons had been sent for by the opposite party from the country within 40 or 50 miles of this city, to increase their forces, the lay Trustees proposed to the Rev. Gentlemen, that each party should exhibit a fair statement of the pews, or of the votes each pew was entitled to, and whoever had the majority should be put into peaceable possession of the church—*This was not agreed too.* Nothing was left out the decision of the election.

Early on Tuesday morning the Bishop's party armed with cudgels and wearing a device of green and white ribbon—forcibly entered the church yard by 5th Street, and arranged themselves with the visible intention of carrying the election by force. M. John Maitland placed an additional lock and chain on the iron gate 4th Street leading to the vestry room door, and these self-elected Judges and Trustees have the effrontery to inform the public that these steps were taken to preserve peace.

About 9 o'clock in the morning the Trustees approached the gate and asked for admittance, desiring Mr. Philip Smith to remove the padlock and wishing to know who had placed it there. Mr. Philip Smith pretended ignorance. On the Trustees still urging their demand for admittance, Mr. John Carroll, who was at the head of this party and standing close to the gate, answered that he acknowledged no Trustees, that every man on the ground was a Trustee on that day. At this time a number of people had mounted the wall with a view of keeping order when the attack was commenced by the party who were inside with their cudgels, and the wall and iron railing gave way and fell into the street. It is evident that had the attack commenced from the

street, the railing would have fallen towards the church, as the people certainly would not have had the folly to pull the walls on themselves. It was at this time the civil authority was called on to interfere. At 10 o'clock the lay Trustees, who had been appointed by a resolution of the Board to conduct the election, ascended the ruins of the wall, and Mr. Leamy observing several persons not belonging to the congregation and consequently not entitled to vote for Judges of the election—requested them to withdraw. The list of Judges was proposed and elected by an overwhelming majority. They entered the church and took their stations, making the necessary preparation to open the polls at 11 o'clock. Mr. B. McCready was collared by Mr. Philip Smith and others, and forcibly driven from his station. Mr. Blame was likewise placed in a similar situation. It is necessary to observe, that Mr. Philip Smith and others proclaimed the election for Judges from within the church, so that nobody but those of their own party who immediately surrounded the windows were they stationed themselves and blockaded up every avenue, could know what was their intention. The votes of the 26 new pews were not received in the vestry room—those of 12 only were received there. The clerical Trustees were not proclaimed by Mr. Philip Smith in the church.

Mr. Harold ascended the seat of one of the pews, as is supposed, with the *modest* intention of proclaiming himself a Trustee, but his interference was so repugnant to the people present that he did not continue. It was at this time that I proclaimed the results of our legal election. The self-elected Judges of the opposite party, in giving their return, took no notice of the number of votes we received for our Trustees, hence we can account for the majority which they claim. But the refusal to exhibit a fair statement of their pews, plainly shows that they could never carry the election on equitable grounds. Why invite people from the neighboring towns, if they knew they had a majority? Why arm themselves and take forcible possession of the graveyard? They knew they could not succeed in a fair election. Mr. Fagan asserts that he and Mr. H. Cavanagh received a handful of tickets from one voter. The hat containing the votes at the window at which Messrs. Smith and Cavanaugh (presided) was concealed from the view of the voters until requested to be placed at the window. Mr. Doyle says he saw Mr. Smith receive two votes at a time and some of our tickets were found rolled up in the receipts, under the benches where their Judges sat, and yet these are the people who boast of a fair election. The public are to judge.—Why were their tickets printed on pink paper unless for some unfair purpose? Why were Harold and Mr. Cumiskey seen marching through the ranks *spiriting* up their friends? They knew their cause was a bad one, and thus used every effort legal or illegal to gain their point. In this they have been frustrated, and the former Trustees have been re-elected by a great majority.

SIGNED,

EDWARD BARRY,

One of the Judges of Election of S. Mary's.

The following are the two letters alluded to in the above document.

No. 1.

DEAR SIR:—

The present Trustees of St. Mary's Church are desirous of conducting the approaching election so as to avoid disturbance and to give the congregation the fullest and fairest opportunity to vote. They therefore propose that arrangements having these objects in view, should be previously made by the gentlemen who represent the respective parties, these arrangements to provide for the time of opening and closing the polls, the mode of selecting Judges and any other preparatory measures, accommodation and peace. Will you have the goodness to communicate this suggestion and inform me whether a disposition exists to concur in such an effort as I have proposed.

Your truly,

SIGNED,

J. R. INGERSOL.

Thos. Kittera, Esq.

Chas. March 5th, 1822.

The following note in answer to the above it will be seen by its date, was written between two and three weeks afterwards.

DEAR SIR:—

The committee who have employed counsel in relation to the affairs at St. Mary's Church have instructed as in reply to your note, to say, that they do not consider themselves authorized to bind the members of the congregation by any agreement as to the mode of conducting the election. On their part, every effort will be made to preserve peace, and conduct the election conformably to the act of incorporation.

Truly yours,

SIGNED,

THOS. KITTERA.

J. R. Ingersol.

March 22, 1822.

The following named gentlemen certify that the statement made by Mr. Barry is perfectly correct. Chas. W. Bizeley, Bernard McCready, Jos. Blame, B. Gallagher, Peter Snyder, Felix McGuigan, Barnett Quinn, Wm. McGlin-cy, Timothy Deamond, Nicholas Riveugh.

In consequence of the above epistle having been laid before the Public, it was deemed necessary to issue the following in answer to it. It will be seen that the statements differ, although, highly respectable names are affixed to both documents.

TO THE PUBLIC.

Relying with confidence on the goodness of our cause, and under the honest persuasion that the public mind could not have been biassed against us by anonymous slander, we should have confined ourselves to the plain statement of facts already submitted to the public, had not Mr. Barry appeared in the paper, charging our statement as erroneous, and undertaking to make good this charge. We abstain from passing any opinion as to the impression which that gentleman is likely to make against us. We leave his name to the

public for what it is worth. We would perhaps have passed him by unnoticed had not his communication appeared to be sanctioned by the late Board of Trustees. They have put him in possession of documents to prove his assertions, and the public will regard him, on the present occasion, as the organ of these gentlemen.

In the third section of our charter of incorporation, it is provided, that the place of our annual election shall be appointed by the Trustees, and that notice of such appointment shall be given in the church, at the close of divine worship on the morning of the preceding Sunday. The charter gives to the Trustees no other power, as to the election, than that of appointing the place when said election is to be held. To appoint that place was the sole object of the meeting called by Dr. Conwell, on the 6th of April. The place appointed was at St. Mary's Church, and such was the notice given on Sunday the 7th, in St. Mary's Church. The late lay Trustees held the election for Judges in 4th Street, and not at St. Mary's Church, contrary to the Act of the Board, passed by themselves, and announced by their order. The shout for their Judges was given by the multitude who filled 4th Street on that day, and was not submitted to the *Roman Catholics* assembled at St. Mary's Church. The time for holding the election is specially declared in our charter to be on the Tuesday of Easter week, between the hours of 11 A. M. and 1 P. M. The late lay Trustees commenced the election by choosing their Judges before the hour of 10 in the forenoon, after their party had commenced an attack on the *Catholics* assembled at the church with stones and bricks from 4th Street and from the coffin makers yard near the church. Thus they violated the charter, as to the time and place of the election, and after endangering the lives of hundreds, by throwing stones from the streets, neighboring houses and yards. They as usual impute to the *Catholic* part of the congregation, the wickedness of which they themselves were guilty.

The party could not bring out the civil authority without a riot, hence they pulled down the railing in front of the church at 9 o'clock, and sent a shower of stones on those assembled in the yard of the church, who up to that moment had endured with exemplary forbearance every species of insult and provocation. They could not introduce their illegal Judges into the church without the aid of a civil magistrate whom they deceived; hence they commenced the riot to effect the object for which they appointed themselves managers of the election, a name and an office unknown to our charter.

Edward Barry says that the lay Trustees proposed to the Rev. Messrs. Cooper and Cumiskey, on the night of the 6th, that each party should exhibit a fair statement of the pews or of the votes to which each pew was entitled and whoever had the majority should be put into peaceable possession of the church—that was not agreed to! Had the Rev. gentlemen power to agree to it? Could they agree to the expulsion of a minority from the church? Was not the exclusion of Catholics from St. Mary's Church reserved for your party, and will not the attempt fix on their names a mark of indelible disgrace? Was the election of eight individuals to decide over the whole congregation or only a part should have peaceable possession of the church?

The public mind must have been presumed to have been strongly perverted when such a result is held out as the consequence of such an election. So convinced are we of having so decided a majority, that we are willing and we are authorized by the lay Trustees to say, that they are willing to submit a fair statement of the pews and leave the decision to five respectable *Protestants* of every just and legal vote in the church, and let them decide, who are and who are not the choice of the congregation. But we protest against the doctrine that the peaceable possession of the church by the congregation, is to be effected by the election of your friends or ours. The rights of the congregation cannot be effected by the election of your friends or ours. Some individuals came from Wilmington to be present at the election, and we are ready to prove that they came to that determination, in consequence of an attempt by some of Mr. Barry's party to engage partisans.

How do you mean to prove that Mr. Philip Smith pretended ignorance? You say that the "Clerical Trustees" were not proclaimed by Mr. Smith. Had you read the charter, you would have seen that the said Trustees could not be proclaimed by Mr. Philip Smith—that is to be done by themselves. And if the pastors of said church *duly appointed*, shall on any day of such election, exceed the number of three, they shall among themselves agree which three of them, the said pastors shall be Trustees for the ensuing year, and shall openly declare in the presence of all the electors so met at the time of concluding the said elections, the names of all the said pastors and members who shall be so appointed and chosen Trustees of the said corporation. The pastors were sent for to perform this duty, and when the Rev. Mr. Harold rose up to proclaim the Trustees, all those of Mr. Barry's party then present in the church, set up a loud and general shout to interrupt him. We do not think it necessary to mention their names, but we take leave to remark that their conduct was most disorderly and such as could not have been expected from persons of their standing in society. Mr. Barry was amongst the most violent—but that did not surprise us.

Mr. Tiers was sent to Willings Alley at half past twelve o'clock to conduct the clergy to St. Mary's Church, where they appeared in a few moments. They applied to Mr. Barry's party to be allowed to pass through the vestry, a right secured to them as Pastors of the church, and were refused at the instance of Mr. Doran, while Mr. Levy a Jew and Mr. Sexton a Protestant with several others not belonging to the church were freely admitted and they were obliged to enter by a window on the south side of the church. Mr. Barry asserts a deliberate falsehood when he says that Mr. Harold and Mr. Cummiskey were seen walking through the ranks and *spiriting* up their friends. We stated that we as the legally elected judges took our seats at the windows prepared by the late trustees for receiving votes, and so conscious were E. Barry's friends that we were the lawful judges, that those chosen by them (though the church was every where filled by the peace officers whom they had collected) retired to other windows that *had not been* prepared to receive votes—this is not contradicted. We stated that at the close of the poll, at one o'clock by Mr. Leamy's watch, we announced the number of votes given for

both the tickets, leaving us a majority of 435 votes. This you cannot venture to contradict.

We stated that when you announced the number of votes taken by your Judges, *you did not state the number of votes given for either ticket* but proclaimed a majority of 287 votes, and you say not a word to question the correctness of our statement. We stated that that the late lay trustees had lately erected 26 new pews, for the purpose of securing their election, and that they had disposed of them *privately* to persons favourable to them. That they had not, as it is required by the laws of the corporation, given any public opportunity to the congregation to purchase even one of those pews. The official apologist of the late lay trustees has not ventured to contradict this statement. With 116 votes from these new pews added to the votes which they were able to obtain from the old ones, we stated that the late lay trustees were out-voted by 148 votes, and we are not contradicted by Edward Barry. We stated that the key of the large gate was in the possession of their agent and always under their control, that they might have entered when they pleased, that the narrow gate which we had closed to prevent confusion and the danger of riot, was opened long before the time of commencing the election,—that very entrance was free from all impediment. And these important facts remain uncontradicted by those, who pulled down the iron railing in front of the church, and entered over the ruins they had made at nine o'clock in the forenoon. The late lay trustees aware of their minority, had been endeavouring for many weeks previous to the election to engage a support, on that occasion from persons of various religious denominations in the city. This we are prepared to establish by the oaths of hundreds of Protestants. This will serve to account for the early appearance and precautionary measures adopted by the Catholics assembled in the Church yard, but it is notorious that they never lifted an arm until they were assailed with stones and brickbats from the crowd in Fourth Street, and the persons stationed in the yards bordering on the church. They acted on the defensive, and submitted to the Mayor's command the moment he appeared. We are ready to contradict on our oaths the assertions stated by Mr. Barry, to have been made by Messrs. Fagan and Doyle.

Signed,

Philip Smith.
Hugh Cavenaugh.
Lewis Ryan.
James Brady.
Thomas Maitland.

Judges of the Election of St Mary's Church.

A number of the rioters were arrested and having been taken before the proper tribunal, were dealt with according to their deserts. The flame of contention which had raged so fiercely, seemed to smoulder, until the June following, when it again burst forth, seemingly to complete the work of destruction. A large number of persons friendly to Bishop Conwell, armed

with guns, blunderbusses, pistols, swords, and consecrated clubs, proceeded to the church and took possession of it. Men with swords, stationed themselves at every window, ready at a moment's notice to decapitate any unfortunate individual friendly to Mr. Hogan, if he should attempt an entrance through those apertures, while others of the same party might be seen walking in the streets near the church, muttering vengeance, and bidding defiance to law and every thing else. Some of these latter had their favourite Bishop sticks, and some, more deadly weapons, which they flourished in proud defiance over their heads, threatening to deal death and destruction in the ranks of the Hoganites. Their intention was to keep possession of the church until the Sunday following, and then give it up to the Bishop, but they did not carry out this object. The police interfered, and the neighbourhood again presented a scene of intense alarm and excitement. Crowd upon crowd of spectators assembled, among whom epithets of all kinds were freely circulated, but fortunately through the judicious movements of the police, an expected outbreak was prevented. The intruders finally dispersed, amidst shouts loud and long, when quietness was once more restored in the neighbourhood. Temporary compromise was made between the Bishop and the Priest, and on a subsequent Sabbath the Bishop consecrated the church, after which Priest Cooper entered the pulpit and delivered a sermon in, which he referred to the recent disturbances in a manner, anything but pleasing to the friends of Mr. Hogan. After the priest had concluded his remarks, Mr. Hogan entered the pulpit and in his own defence condemned the course of Mr. Cooper, remarking that he had letters from the Bishops of New York and of Baltimore, in which it was stated that they believed the 'Bishop of Philadelphia to be a liar.' Mr. Hogan inferred from this that, Priest Cooper, was also a liar. A scene of confusion now ensued, which almost transcends our ability to depict—some cried "order," "order" others exclaimed "play the organ" while others rejoined "no, no, don't play"—"Let Hogan be heard" "no pull him down"—"I go in for the Liberty of speech"—"The Hell you do" shouted another—down with the Bishop" "turn ou Cooper." The women too, joined in the confusion, and several with uplifted hands and uttering vehement exclamations, threatened vengeance upon their opponents. Children were crying, pew backs were creaking, the Bishop, stood aghast, while Hogan seemed utterly confounded. At last the congregation dispersed, and left Priest Hogan and his party in the possession of the church. Some time subsequent to this, Priest Hogan abdicated their pulpit and was succeeded by Priest Meally. This priest was friendly to Mr. Hogan, and his party having by far the largest majority, there was nothing left for the Bishop to do, but excommunicate the entire church. This was accordingly done. Mr. Meally continued his services for nearly a year when a permanent compromise was made, and the church was again received within the pale of the Romish religion, upon condition of Priest Meally going to Rome to do penance. This proposition was accepted, and when he returned from Italy he published a long account in a newspaper, giving a description of his manoeuvres at "head quarters" which we decline publishing on ac-

count of its great length. Suffice it to say, however, that he was accepted and returned to his clerical duties in the Catholic Church. Mr. Hogan by this time, had, it is said departed from righteous paths, and driven into excesses by the treatment he had received from the Bishopites, he was finally compelled flee from this city. It appears that he had challenged a person residing at Trenton N. J. and the latter, not wishing to adhere to the "code of honour" came to this city and offered a large reward for the apprehension of Mr. Hogan, and caused him to retire to New York, when he engaged a passage on board of ship, destined to Europe. He, however, had some words with the captain of said vessel when but a few hours out, which would have resulted in the death of one if not both, had it not been for the prompt and energetic measures adopted by the captain. He caused Mr. Hogan to be placed on board of a packet bound to Charleston, S. C., where Mr. Hogan arrived in due time. He settled there, and married a very respectable and wealthy woman, and led a life of happiness. Since that time Mr. Hogan has filled several public offices of trust, and conducted himself with ability and honour, and we believe yet resides in or about Charleston.

Bishop Conwell has since died, as well as some others who figured conspicuously in this unlawful conflict, this unrighteous and inglorious war, and far be it from the author of the foregoing narrative to raise the ashes of the dead to hold them up to scorn or ridicule, or any thing else than merely to give an impartial account of the scenes of the eventful period alluded to.

FINIS.

The following beautiful specimen of the *christian-like* style in which the Pope dismisses his refractory Priests, shows how he would act here in America, toward the lives of such as differ from him on church doctrine, if he had, *among us*, the power he formerly possessed in Europe, when a look or whisper, which was not exactly according to the canons of his church, was certain death to the culprit.

The Pope, it is well known, claims the power of deciding the eternal destiny of man. He claims the keys of Hell and Heaven! The curse uttered on Queen Elizabeth is entitled,—“*The excommunication and damnation of Elizabeth.*” “He, as God, sitteth in the temple of God, showing himself that he is God!” Hence these horrible curses which his foreign emissaries, the bishops and priests, denounce against their fellow-men who forsake Romish idolatries and the Pope’s despotism, and return to sober reason, and the pure Word of God, the Holy Bible. C. S.

A POPIISH BULL, OR CURSE,

***Pronounced on Rev. Wm. Hogan, formerly
a Papal Priest in Philadelphia.***

“By the authority of God Almighty, the Father, Son, and Holy Ghost, and the undefiled Virgin Mary, mother and patroness of our Savior, and of all celestial virtues, Angels, Archangels, Thrones, Dominions, Powers, Cherubim and Seraphim, and of all the holy Patriarchs, Prophets, and of all the Apostles and Evangelists, of the Holy Innocents, who in the sight of the Holy Lamb are found worthy to sing the new song of the Holy Martyrs and Holy Confessors, and of all the Holy Virgins, and of all Saints, together with the Holy Elect of God;—May he, William Hogan, be damned. We excommunicate and anathematize him, from the threshold of the Holy Church of God Almighty: We sequester him, that he may be tormented, disposed, and be delivered over with Dathan and Abiram, and with those who say unto the Lord, ‘Depart from us, we desire none of thy ways;’ as a fire is quenched with water, so let the light of him be put out for evermore, unless it shall repent him, and make satisfaction. Amen!

“May the Father who creates man, curse him! May the Son, who suffered for us, curse him!—May the Holy Ghost, who is poured out in baptism, curse him! May the Holy Cross, which Christ for our salvation, triumphing over his enemies, ascended, curse him!

"May the Holy Mary, ever virgin and mother of God, curse him! May St. Michael, the Advocate of the Holy Souls, curse him! May all the Angels, Principalities and Powers, and all Heavenly Armies, curse him! May the glorious band of the Patriarchs and Prophets, curse him!

"May St. John the Precursor, and St. John the Baptist, and St. Peter and St. Paul, and St. Andrew, and all other of Christ's Apostles together, curse him! and may the rest of the Disciples and Evangelists, who by their preaching converted the universe, and the holy and wonderful company of Martyrs and Confessors, who by their works are found pleasing to God Almighty;—May the holy choir of the Holy Virgins, who for the honor of Christ have despised the things of the world, damn him! May all the Saints from the beginning of the world to everlasting ages, who are found to be beloved of God, damn him!

"May he be damned wherever he be, whether in the house or in the alley, in the woods or in the water, or in the church!—May he be cursed in living and dying!

"May he be cursed in eating and drinking, in being hungry, in being thirsty, in fasting, and sleeping, in slumbering, and in sitting, in living, in working, in resting, and * * * * * and in blood-letting!

"May he be cursed in all the faculties of his body!

"May he be cursed inwardly and outwardly! May he be cursed in his hair; cursed be he in his brains and his vertex, in his temples, in his eyebrows, in his cheeks, in his jaw-bones, in his nostrils, in his teeth and grinders, in his lips, in his shoulders, in his arms, in his fingers!

"May he be damned in his mouth, in his breast, in his heart and purtenances, down to the very stomach!

"May he be cursed in his reins and his groins; in his thighs, in his genitals and his hips, and in his knees, his legs and his feet, and toe-nails!

"May he be cursed in all his joints, and articulation of the members; from the crown of his head to the soles of his feet may there be no soundness!

"May the Son of the living God, with all the glory of his majesty, curse him! And may Heaven with all the powers that move therein, rise up against him and curse and damn him; unless he repent and make satisfaction! Amen! So be it. Be it so. Amen."

Reader, what think ye, would any thing less than a death of torture satisfy the infernal disposition of a person who could desire such torments to be inflicted upon a fellow-being?

THE LAST OF THE HUMBUGS.—We mentioned yesterday that a Nativist organ of this city had published what purports to be the curse pronounced against Priest Hogan, formerly of St. Mary's Church in this city. Although no Catholic, we remarked that the curse was perfectly familiar to us, being none other than the "curse" wherewith Dr. Slop, in Tristram Shandy, curses Obadiah for tying a hard knot in the string of the bag containing his forceps, and over which many of our readers have doubtless held their sides in uncontrollable laughter. The forger pretends to have received it from good authority, but we are entirely satisfied that he copied it with trifling alterations from the pages of Sterne. Thus, the forger in a note remarks that "*St. Andrew would not have joined in cursing a dog in this manner.*" In the original, Uncle Toby observes that he could not have a heart to curse his dog so. For the benefit of our readers we give the two curses in parallel columns.

[From the Native paper.]

"By the authority of God Almighty, the Father, Son and Holy Ghost, and of the undefiled Virgin Mary, Mother and patroness of our Saviour and of all celestial virtues, Angels, Archangels, Thrones, Dominions, Powers, Cherubims, and Seraphims. And all the Holy Patriarchs, Prophets, and of all the Apostles and Evangelists of the Holy Innocents, who in the sight of the Holy Lamb, are found worthy to sing the new song of the Holy Martyrs and Holy Confessors, and of all the Holy Virgins, and of all the Saints together, with the Holy Elect of God—may he William Hogan be damned.

We excommunicate and anathematize him, and from the thresholds of the Holy Church of God Almighty we sequester him that he may be tormented, disposed, and be delivered over with Dathan and Abiram, and with those who say unto the Lord, "depart from us, we desire none of thy ways," and as fire is quenched with water, so let the light of him be put out for evermore unless it shall repent him and make satisfaction, Amen!

May the Father, who created man, curse him! May the Son who suffered for us curse him! May the Holy Ghost, who was given to us in Baptism, curse him! May the Holy Cross, which Christ for our Salvation, triumphing over his enemies ascended, curse him!

[From Tristram Shandy.]

"By the authority of God Almighty, the Father, Son and Holy Ghost, and of the undefiled Virgin Mary, Mother and patroness of our Saviour, and of all the celestial virtues, angels, archangels, thrones, dominions powers, cherubim and seraphim, and of all the holy patriarchs, prophets, and of all the apostles and evangelists, and of the holy innocents, who in the sight of the Holy Lamb, are found worthy to sing the new song of the holy martyrs and holy confessors, and of the holy virgins, and of all saints together, with the holy and elect of God, may he (Obadiah) be damn'd, (for tying these knots.)

We excommunicate and anathematize him, and from the thresholds of the holy church of God Almighty we sequester him, that he may be tormented, disposed and delivered over with Dathan and Abiram, and with those who say unto the Lord God, depart from us we desire none of thy ways. And as fire is quenched with water, so let the light of him be put out for evermore unless it shall repent him (Obadiah of these knots which he has tied,) and make satisfaction for them. Amen.

May the Father, who created man, curse him! May the Son who suffered for us, curse him. May the Holy Ghost, who was given to us in baptism, curse him (Obadiah.) May the Holy Cross, which Christ for our Salvation, triumphing over his enemies, ascended, curse him.

May the Holy and eternal Virgin Mary, mother of God, curse him! May St. Michael, the advocate of Holy Souls, curse him! May all the Angels, Arch Angels, principalities and powers, and all the heavenly armies curse him!

May the praiseworthy multitudes of Patriarchs and Prophets, curse him!

May St. John the Precursor, and St. John the Baptist, and St. Peter, and St. Paul, and St. Andrew, and all other Christ's Apostles together curse him! and may the rest of his disciples, and four Evangelists who by their preaching converted the universal world, and may the holy and wonderful company of martyrs and confessors, who by their holy works are found pleasing to God Almighty, curse him!

May the Holy choir of the Holy Virgins, who for the honor of Christ have despised the things of the world, damn him! May all the Saints who from the beginning of the world to everlasting ages are found to be beloved of God, damn him!

May he be damned wherever he be, whether in the house or the stable, the garden or the field, or the highway, or in the path, or in the wood, or in the water, or in the church, may he be cursed in living and in dying!

May he be cursed in eating and drinking, in being hungry, in being thirsty, in fasting, in sleeping, in slumbering, in sitting, in lying, in working, in eating, in —, and —, and in blood letting.

May he be cursed in all the faculties of his body.

May he be cursed inwardly and outwardly, may he be cursed in his brains, and in his vertex—in his temples, in his forehead, in his ears, in his eyebrows, in his cheeks, in his jaw-bones, in his nostrils, in his teeth and grinders, in his lips, in his throat, in his shoulders, in his arms, in his fingers.

May he be damned in his mouth, in his breasts, in his heart and purtenance, down to the very stomach.

May the holy and eternal Virgin Mary, mother of God, curse him. May St. Michael, the advocate of holy souls, curse him. May all the angels and archangels, principalities and powers, and all the heavenly armies, curse him.

May the praiseworthy multitude of patriarchs and prophets curse him.

May St. John the Precursor, and St. John the Baptist, and St. Peter, and St. Paul, and St. Andrew, and all other Christ's apostles together, curse him; and may the rest of his disciples and four evangelists, who by their preaching converted the universal world, and may the holy and wonderful company of martyrs and confessors, who by their holy works are found pleasing to God Almighty, curse him (Obadiah.)

May the holy choir of the holy virgins, who for the honor of Christ have despised the things of the world, damn him. May all the Saints who from the beginning of the world to everlasting ages are found to be beloved of God, damn him, (Obadiah) or her, (or whoever else had a hand in tying these knots.)

May he (Obadiah) be damned, wherever he be, whether in the house or the stable, the garden or the field, or the highway or in the path, or in the wood, or in the water or in the church. May he be cursed in living and in dying.

May he be cursed in eating and drinking, in being hungry, in being thirsty, in fasting, in sleeping, in slumbering, in walking, in standing, in sitting, in lying, in working, in resting, in —, in —, and in blood-letting.

May he (Obadiah) be cursed in all the faculties of his body.

May he be cursed inwardly and outwardly, may he be cursed in the hair of his head, may he be cursed in his brains and in his vertex, in his temples, in his forehead, in his ears, in his eye-brows, in his eyes, in his cheeks, in his jaw-bones, in his nostrils, in his fore-teeth and grinders, in his lips, in his throat, in his shoulders, in his wrists, in his arms, in his hands, in his fingers.

May he be damned in his mouth, in his breasts, in his heart and purtenance, down to the very stomach.

May he be cursed in his reins, and in his groins, in his thighs, in his genitals, and in his hips, and in his knees, his legs, and feet and toe-nails!

May he be cursed in all his joints, and articulations of the members, from the top of his head to the sole of his foot, may there be no soundness in him!

May the Son of the living God, with all the glory of his Majesty, curse him! And may Heaven, with all the powers which move therein, rise up against him, and curse and damn him—unless he repent and make satisfaction! Amen, so be it—Be it so, Amen!

It will readily be perceived, that excepting the substitution of "William Hogan" for "Obadiah," there is scarcely a verbal alteration. Even the errors of punctuation are the same. Any one who compares "Hogan's curse" with the pretended Latin original given by Sterne, will see that the conjunction "and" is frequently introduced where it does not exist in the Latin, it being made necessary from the frequent interruption of Dr. Slope by Uncle Toby and the elder Shandy. Comment is unnecessary.

May he be cursed in his reins, and in his groins, in his thighs, in his genitals, and in his hips, and in his knees, his legs and feet and toe-nails.

May he be cursed in all the joints and articulations of his members, from the top of his head to the sole of his foot, may there be no soundness in him.

May the Son of the living God, with all the glory of his Majesty, curse him, and may Heaven, with all the powers which move therein, rise up against him, curse and damn him (Obadiah) unless he repent and make satisfaction. Amen. So be it—so be it. Amen.

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